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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,215	03/31/2004	Christopher Hoang Doan	AUS920040009US1	7116
35525	7590	09/16/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER SHAW, PELING ANDY	
			ART UNIT 2144	PAPER NUMBER
			NOTIFICATION DATE 09/16/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary (For use in the First Action Interview Pilot Program)	Application No.	Applicant(s)	
	10/815,215	DOAN ET AL.	
	Examiner	Art Unit	Page 1 of
	PELING A. SHAW	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

☐ Applicant's request to not have a first-action interview is acknowledged.

Status

- 1) ☒ Responsive to communication(s) filed on 4 August 2008 and interview conducted on 10 September 2008.
- 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 1 is/are pending in the application.
 3a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 4) ☐ Claim(s) _____ is/are allowed.
- 5) ☐ Claim(s) _____ is/are rejected.
- 6) ☒ Claim(s) 1 is/are objected to.
- 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Contact Information

Examiner's Telephone Number: (571)272-7968
 Examiner's Typical Work Schedule: M-F 8:00 - 4:00
 Supervisor's Name: William C. Vaughn
 Supervisor's Telephone Number: (571)272-3922

Attachment(s)


- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: <u>20080910</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

phs

Office Action Summary	Application No. 10815215	Applicant(s) DOAN ET AL.	
	Examiner PELING A. SHAW	Art Unit 2144	Page 2 of

Notification of Rejection(s) and/or Objection(s)				
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	1	A	103	Claim 1 (paragraph 41: send and receive message; paragraph 54: application setting a flag, bit or interrupt to create an instant message with a pop-up window;
2	1	B	103	A does not disclose the interrupt indicator in the subject line; C discloses (column 1, line 57- column 2, line 12) subject filed, instruction code for retrieval module; column 13, lines 12-25) instruction code specify the way to retrieve a message;
3	1	C	103	Neithe A nor C disclose creating a interrupt message based upon an authority of hierarchy. B discloses (column 2, lines 14-29) creating and sending e-mail per authority of hierarchy.

Expanded Discussion/Commentary		
1		and paragraph 77: user's choice for response).
2		and (claim 17) generating module modifies the subject field of intercepted message.
3		It would be obvious to restrict the popup message based upon authority as per A and using metadata type parsing on subject field of message to implemeet the delivery of interrupt message as per C in the genral art of message notification as per A, B and C.

DATE: 9/10/2008		
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